

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

MICHAEL BILINSKY, Individually and On Behalf of All Others Similarly Situated,  
Plaintiff,

v.

GATOS SILVER, INC., STEPHEN ORR, ROGER JOHNSON, PHILIP PYLE, JANICE STAIRS, ALI ERFAN, IGOR GONZALES, KARL HANNEMAN, DAVID PEAT, CHARLES HANSARD, and DANIEL MUÑIZ QUINTANILLA,  
Defendants.

Civil Action No. 1:22-cv-00453-PAB-KLM  
SUMMARY NOTICE

**TO: All Persons and entities that (i) during the period from December 9, 2020 and January 25, 2022, both inclusive (the “Class Period”), purchased or otherwise acquired Gatos common stock listed on the NYSE, or, in domestic transactions, purchased or otherwise acquired publicly traded call options on Gatos common stock, and/or sold publicly traded put options on Gatos common stock, and were damaged thereby; or (ii) purchased or otherwise acquired Gatos common stock pursuant or traceable to the 2020 Registration Statement or the 2021 Registration Statement, in domestic transactions or on the NYSE, and were damaged thereby (the “Settlement Class”).**

**THIS NOTICE WAS AUTHORIZED BY THE COURT. IT IS NOT A LAWYER SOLICITATION. PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. YOUR RIGHTS WILL BE AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT.**

YOU ARE HEREBY NOTIFIED, pursuant to an Order of the United States District Court for the District of Colorado (the “Court”) and Rule 23 of the Federal Rules of Civil Procedure, that a hearing will be held on May 31, 2024, at 10:00 a.m. (Mountain Time), before the Honorable Philip A. Brimmer, at the Alfred A. Arraj United States Courthouse, in Courtroom A701, 901 19th Street, Denver, CO 80294, for the purpose of determining: (1) whether the proposed settlement of the claims in the above-captioned litigation (the “Litigation”) for the sum of \$21,000,000 in cash (the “Settlement”) should be approved by the Court as fair, reasonable, and adequate; (2) whether a Settlement Class should be certified for purposes of the Settlement; (3) whether, thereafter, this Litigation should be dismissed with prejudice pursuant to the terms and conditions set forth in the Amended Stipulation of Settlement dated September 12, 2023 (the “Stipulation”); (4) whether the proposed Plan of Allocation is fair, reasonable, and adequate and therefore should be approved; and (5) the reasonableness of the application of Lead Counsel for the payment of attorneys’ fees and expenses incurred in connection with this Litigation together with the interest earned thereon (and any payment to Plaintiffs pursuant to the Private Securities Litigation Reform Act of 1995 in connection with their representation of the Settlement Class). The Court may change the date of this hearing, or hold it remotely, without providing another notice. You do NOT need to attend the hearing to receive a distribution from the Net Settlement Fund.

The Litigation has been preliminarily certified as a class action on behalf of a Settlement Class of all Persons or entities that (a) from December 9, 2020 through January 25, 2022, both inclusive, purchased or otherwise acquired Gatos common stock listed on the NYSE, or, in domestic transactions, purchased or otherwise acquired publicly traded call options on Gatos common stock or sold publicly traded put options on Gatos common stock, and were damaged thereby; or (b) in domestic transactions or on the NYSE, purchased or otherwise acquired Gatos common stock pursuant or traceable to the 2020 Registration Statement or the 2021 Registration Statement, and were damaged thereby, except for certain Persons or entities excluded from the Settlement Class, as defined in the full Long-Form Notice of Pendency and Proposed Settlement of Class Action (“Long-Form Notice”), which is available as described below. If the Settlement is approved, it will resolve all claims in the Litigation. Capitalized terms that are not otherwise defined herein shall have the meanings ascribed to them in the Long-Form Notice and/or Stipulation.

A detailed description of the Litigation, including important information about your rights and options, is in the detailed Long-Form Notice available at [www.GatosSecuritiesLitigation.com](http://www.GatosSecuritiesLitigation.com) or by contacting the Claims Administrator at: *Gatos U.S. Securities Litigation*, Claims Administrator, P.O. Box 5768, Portland, OR 97228-5768, or 877-757-6172.

**If you are a Settlement Class Member, in order to share in the distribution of the Net Settlement Fund, you must submit a Proof of Claim and Release form (“Proof of Claim”) online at [www.GatosSecuritiesLitigation.com](http://www.GatosSecuritiesLitigation.com) or by mail postmarked no later than June 19, 2024. Failure to timely submit a Proof of Claim will subject your claim to possible rejection and may preclude you from receiving any payment from the Settlement.**

If you desire to be excluded from the Settlement Class, you must submit a request for exclusion electronically submitted or postmarked by **May 5, 2024**, in the manner and form explained in the detailed Long-Form Notice referred to above. All Members of the Settlement Class who do not timely and validly request exclusion from the Settlement Class will be bound by any judgment entered in the Litigation pursuant to the terms and conditions of the Stipulation.

Any objection to the Settlement, Lead Counsel’s Fee and Expense Application, and/or the proposed Plan of Allocation must be mailed or delivered to the Clerk of Court and counsel for the Parties at the addresses below such that it is received no later than **May 10, 2024**:

*Court:*

Clerk of the Court  
UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO  
Alfred A. Arraj United States Courthouse, Room A105  
901 19th Street  
Denver, CO 80294-3589

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*Counsel for the Underwriter Defendants:*

Audra J. Soloway  
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP  
1285 Avenue of the Americas  
New York, NY 10019

**PLEASE DO NOT CONTACT THE COURT OR THE CLERK’S OFFICE REGARDING THIS NOTICE.** If you have any questions about the Settlement, you may contact counsel for Plaintiffs at the address listed above, email [gatossettlement@bfalaw.com](mailto:gatossettlement@bfalaw.com), call (888) 879-9418, or go to the following website: [www.GatosSecuritiesLitigation.com](http://www.GatosSecuritiesLitigation.com).